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STRENGTHENING THE POWER OF THE EXECUTIVE.

WHILE the theory of the separation of powers was recognized in the constitutions of the Revolutionary Period, the legislative completely overshadowed the other departments of government. The arbitrary and almost unlimited powers which had been lodged in the colonial governors had created a distrust of executive power.

At the beginning of the Constitutional Period of American history, there was manifested a decided tendency to curb or check executive power, with the result that almost the entire executive and administrative as well as legislative power was lodged in the legislative department, which became almost the sole depository of the sovereign power of the State. In speaking of this period, Bancroft said:

> "The legislature was the center of the system. A governor had no power to dissolve it or either branch. In most of the States, all important civil and military officers were elected by the legislature. The scanty power entrusted to the governor, wherever this power was more than a shadow, was still further restrained by the executive council. When the governor had the nomination of officials, they could only be commissioned by consent of the council. He had as a rule, no veto power, and only a limited pardoning power."

The framers of the state constitutions during the Revolutionary Period seem to have been impressed with the necessity of creating a legislative department strong enough to carry on

the government, irrespective of the wishes or policy of the executive. They had only colonial experience, which had taught them the dangers of a strong executive, and hence they had stripped that office of most of the authority to which it was justly entitled, and had thereby created a loosely co-ordinated administrative system, which was both unwieldy and inefficient.

Even so close and conservative an observer as Madison declared in the Constitutional Convention of 1787: "Experience proves a tendency in our government to throw all power into the legislative vortex. The executives of our States are little more than ciphers. The legislatures are omnipotent." He even predicted that if effective checks were not devised on the encroachments of the latter, a revolution would be inevitable.

It is evident, therefore, that in these earlier constitutions of the Revolutionary Period, the historic division of the powers of government into three separate, independent and co-ordinate departments was ignored and practically disregarded in the operation of the government of the States. The administrative part of the executive function was first controlled and carried on by the legislature through temporary or permanent committees. In the course of years the work performed by these committees and commissions was gradually transferred to paid officials, who, as their functions and labors became specialized, were gradually organized into numerous boards or departments of government. With the increase of wealth and population, with new inventions and discoveries, and with new lines of activity and development, additional boards or departments were formed, both by statutory and constitutional provisions. These boards or departments gradually absorbed the larger part of the executive and administrative functions. Most of them were first elected by the legislature, but gradually the power was transferred to the electorate. The greatest weakness of the system was the absence of executive control and supervision. It is true that the legislature in many States undertook through committees to exercise a general supervision; but, with the increase of departments and the complexity of their functions, this supervision gradually became nominal,

with the necessary result that in their management there was weakness, inefficiency, waste and a deplorable lack of economy.

Following the constitutions of the Revolutionary Period, students of our state governments will discover a gradual tendency to withdraw from the legislative department its executive functions and to restore them in part to the executive or electorate. During the latter part of the nineteenth century a distrust of legislative power became evident, and was manifested in the later constitutions by express prohibitions against local and private laws and by numerous constitutional restrictions and limitations on legislative power. Gradually, but surely, with the lapse of time, the other two departments had been increased in power and strength at the expense of the legislature. While it is true that up to the time of the Civil War the governor of an American commonwealth possessed but little power and had but little opportunity to carry out a policy or impress his views on the institutions of the State, the modern tendency has been to increase his independence of the legislature, to enlarge his official discretion and to extend his influence and control over all subordinate executive agencies.

This has been due not only to a growing consciousness of the weakness of the old legislative system of administration, but also to the silent force of circumstances and to the conviction that the varied and complex conditions of modern life, the growth of wealth and population, and the increased commercial and industrial development demanded more vigorous enforcement of the law and a more efficient discharge of executive functions. In all of the later constitutions, a marked tendency was shown to restore to the executive both his administrative and executive functions by bestowing upon him larger powers in appointment and removal; by giving him authority to demand reports and to investigate and supervise all the executive departments of government; by increasing his responsibility and making him what he should be—the real chief of state, exercising the supreme executive power.

Yet, notwithstanding this general tendency, in only a few of the States has the governor been restored to his full adminis-

trative and executive function, and in many, his powers are still weakened by a multiplicity of boards and departments over which he exercises but scant authority or by transferring to the electorate the power to select all executive agents and by denying him that responsibility and control which properly belongs to the chief of the executive office.

The abuse of executive power which the arbitrary authority vested in the colonial governors made possible and which so justly alarmed the fathers cannot occur under our republican system, and the reasons which in the early days of the government induced the framers of the state constitutions to strip the executive of all power and to lodge it in the legislature no longer exist.

Every thoughtful student of our state governments recognizes that their chief weakness still consists in a failure to centralize executive and administrative power and authority in the chief of state. The principal weakness, then, of our present state constitutions is their failure to concentrate responsibility and authority. They uniformly manifest a profound distrust of both the executive and the legislature, and as the result of this distrust they have weakened the powers and efficiency of both of the most important departments of government. The author of *The Promise of American Life* summed up the whole argument in these terse sentences:

> "There can be no efficiency without responsibility. There can be no responsibility without authority. The authority and responsibility residing ultimately in the people must be delegated, and it must not be emasculated in the process of delegation."

But it is not to be supposed that to advocate the theory of a vigorous executive, or to contend that that branch of government should be clothed with sufficient power to administer energetically and efficiently all affairs of state, springs from any greed of power or from any biased view which fails to accord proper consideration to co-ordinate departments. While we recognize that the liberties of the people are best preserved and the welfare of society most effectively secured by a minimum of government, yet it must be apparent to the most superficial

mind that to achieve its legitimate ends, government must not only be sound in theory but efficient in practical operation; that laws are silent and useless unless enforced; that however faithfully the legislature may enact the public desires into law, however wisely and justly the courts may construe the expressions of the legislative will, society reaps no benefit from them unless they are vitalized and sustained by executive action based upon executive power. It is manifestly true, as said by Hamilton, "A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution; and a government ill-executed, whatever it may be in theory, must be in practice a bad government." The partial failure of our state governments is largely due to the absence of recognition in the state constitutions of the fundamental political fact that efficient government must be based upon responsible and concentrated power.

Thoughtful students of our institutions have even declared that one of the most popular but ill-founded American illusions is that their state governments have been successful. Americans, they assert, are inclined to believe that their governments have on the whole served them well, whereas in truth they have been badly served both in their machinery of local administration and government. That there is some basis for this indictment of the state governments cannot be denied. While we may differ as to the causes that have produced this failure, we must all agree that if permitted to continue it may compromise the success of the American democratic experiment. A recent writer declared that the cause and the cure of this failure of the state governments constituted one of the most fundamental of American political problems.

That the power and influence of the States are waning is apparent to any student of current history. Year by year the sphere of federal legislation increases with a corresponding decline in the power and importance of the States as self-governing communities. Amendments are now pending before the Congress, which if submitted and ratified by the States, will transfer to the Federal Government control of the suffrage and of that large body of police powers, the exclusive exercise of

which has been lodged in the States since the formation of the government. The right to vote comes from the States and not the United States—a right which the States enjoyed in the Colonial Period, and which was not surrendered when the Federal Union was established. Yet if the pending amendment on woman's suffrage is submitted and ratified, the States will transfer to the Federal Government the most important and essential attribute of their sovereignty.

While the weakness and inefficiency of our state governments have been largely obscured by the vigor and energy of the central government, yet this weakness and inefficiency, while partially concealed, has not been redeemeed by the greater energy of the Federal Government. This partial failure of the state governments is largely due to unwise organization. The state constitutions which create, also determine the character of the state government. The fundamental defect in the government of nearly all the States can be traced to the many unwise and unnecessary restrictions, limitations and inhibitions found in their constitutions, in consequence of which the different departments of government are hampered and weakened in the exercise of necessary and essential governmental powers. Many of the provisions of these constitutions stand as insuperable barriers to most of the important reforms necessary to meet modern conditions and either prevent or weaken all efforts to secure greater economy, vigor and efficiency in administration. An analysis of the causes that have contributed to the partial failure of our state governments can but lead to the conclusion that such failure is due to a lack of centralized and responsible organization, to the dissipation of executive power by distribution among various officials and to the absence of that concentration of authority and responsibility in the chief executive so essential to vigorous and efficient government.

Assuming, therefore, the necessity of strength or power in the executive, it is proper to briefly trace some of the causes which since the Revolutionary Period have strengthened the power of this department, and to inquire as to what degree it may be further safely increased for the public interest.

Aside from greater control over administration, the most

important as well as the most powerful gain which this department has made since the Revolution is found in the veto over legislation. In 1778 two States only had placed the veto power in their constitutions. At the present time only two States withhold it. Thirty-one States accept the national fraction of two-thirds of both houses to overcome the veto, while the others prefer a majority or a three-fifths vote. Thirty States allow the governor to veto items of appropriations, and three of them allow him to veto a part or parts of any bill. One State, Alabama, allows him to amend any bill submitted for his approval, which amendment cannot be amended and a defeat of which defeats the entire bill. The recent Constitution of Virginia allows the governor to recommend amendments to the house in which the bill originated. Ten States allow from three to thirty days for the governor to decide whether to veto, if adjournment intervenes; but eighteen allow the governor to file his objections with the secretary of state after adjournment, thus defeating the bill.

Under the Constitution of the United States and of each of the States, the chief executive, by reason of his power to recommend legislation and to veto bills, becomes a part of the law-making department.

Not only has he power to recommend legislation but, as has been truly said, he can present his recommendations in the form of bills, if he sees proper. If he should elect to present his recommendations in the form of bills, he would only be exercising his constitutional authority, and would not be invading the province of the legislature. By reason of his power to veto, he possesses a transcendent influence over legislation. Every bill must receive his approval, and his objection is equivalent to a vote of at least one-half of the legislature in every State where the veto power exists.

In Alabama the power to veto has been accompanied with the power to amend, a power which we believe is not granted to the executive under the terms of the constitution of any other State, except in a modified form in the State of Virginia, where the governor is permitted to suggest, but not to initiate, amendments. In the exercise of this prerogative in Alabama, the governor may return bills presented to him without giving

his approval and may suggest and prepare amendments which would remove his objections. These amendments the legislature may concur in, or, not concurring, it may proceed to pass the bill over the veto, as in cases where the power to amend is not given.

This power of amendment, while a new idea in our theory of government, has proved to be of great value. By its exercise the governor has been enabled in many instances to amend a meritorious statute, otherwise unconstitutional, so as to give it validity or to suggest and submit additions or call attention to omissions which would better adapt the proposed law to the conditions it was designed to meet.

Nor is this power any undue extension of the executive function. If the governor is properly a part of the lawmaking power to the extent of approving or disapproving bills or initiating legislation by submitting his recommendations in the form of bills, if the public is entitled to his judgment on the laws affecting it, it is an illogical limitation on that duty to restrain it within the narrow channels of approval or disapproval of a bill as it stands, when, with the elimination of unwise provisions or the addition of needed sections, it could be easily altered into fitness to serve a beneficial purpose.

But it may be claimed that by conferring on the governor the veto power vested in him by the Alabama Constitution, we would be delegating to him legislative functions. It is well, however, to remember that the capacity of a law to serve the purposes for which it is designed cannot be fully known until it is put into operation. It is in the execution of laws that their defects become apparent. The executive has, therefore, a practical experience in which members of the legislature are frequently and of necessity wanting, which peculiarly qualifies him to point out the parts in which a proposed law is insufficient, onerous or ill-considered, and to remove by his amendment those features which bear too heavily on rights which should not be burdened or impaired, or to add those without which the act would be ill-balanced, ineffective or incapable of practical or proper enforcement. Hence, it is apparent that the power to amend a bill as provided in the Alabama Constitution

is intimately related to the executive function, and only gives the people the benefit of the knowledge and experience which a governor acquires by the exercise of the duties of the chief executive office.

This objection also overlooks the fact that under our theory of government the governor is, in fact, a part of the lawmaking power; for both the state and federal constitutions recognize that the executive and the legislature share jointly in lawmaking. The constitutional power to recommend legislation by the governor carries with it by necessary implication the duty to use all proper efforts to have the legislation he recommends translated into laws. While the governor cannot vote —for he cannot at the same time exercise both the executive and legislative function—he can, and should by every legitimate means, secure the passage of the laws he recommends, and assume that leadership of the legislature which the constitution so clearly intends. In so doing he would not be invading the province of the legislature but only exercising that important executive function imposed on him by the constitution.

The provision in the Alabama Constitution which gives the governor power to amend any bill submitted for his approval enables the public to obtain not the partial but the full benefit of the judgment and experience of the executive. The study of its practical benefits will, we believe, commend it to the students of political science and ultimately, perhaps, incorporate it into the fundamental law of other jurisdictions as a wise and safe method of strengthening the executive power.

But, while the governor is a part of the lawmaking power, the state constitutions require him to submit his recommendations by a written message, a method which is artificial, perfunctory and generally ineffective. In revising our constitutions the governor should be permitted to make his suggestions as to legislation either in person or by written message, and to present and defend them in the usual way in which legislative propositions are supported, by open debate on the floor of the house in which the bill is introduced, the governor to be present in person or represented by the head of any department he might designate. While eminent authority has held that the recom-

mendations of the governor can be presented in the form of bills, it would be well in revising our constitution to define this power more clearly and to give the bills introduced by the governor precedence in consideration over all other measures except appropriation bills. At stated times the governor and the heads of the departments should be required to appear on the floor of the house in joint session, to answer interpellation addressed to them by the legislature as to the public business.

With the power of amendment, which should not be overcome except by a two-thirds vote, with authority to submit his recommendations either in person or by written message and to present these recommendations in the form of bills and to defend them on the floor of the legislature in open debate, such bills to enjoy precedence on the calendar of both houses over all other bills except appropriations, the governor would assume that position of leadership which would guarantee efficient and vigorous administration. If bad laws are passed the governor is generally held responsible at the bar of public opinion, and hence he should be armed with power to make his leadership effective, as the responsible chief of state. This increase of the power of the executive would tend to better and more responsible legislation and make the governor directly responsible for the laws enacted during his administration.

As President Wilson declared, the people look to the governor and not to the individual members of the legislature for leadership, and for the passage of such laws as the economic, political and social condition of the State may demand, and judge his administration by his success or failure in securing the enactment of necessary laws. There is profound distrust by the people of the United States of their legislatures and serious suspicion as to the source of legislation, and this distrust and suspicion is intensified by the dark-lantern methods which prevail and the secret, invisible government by which these bodies are so often dominated. The people of the United States want their governors to be leaders in legislation, for they alone represent the entire State, and they favor such constitutional revision as will make their leadership secure and effective.

The present constitutional provisions, which, while making the governor a part of the lawmaking power, yet because they deny him the power by unnecessary checks and limitations from exercising proper control and influence over legislation, have been one of the most potent means of producing irresponsible government. Vested only with authority to present his suggestions by a perfunctory written message, it is not surprising that the laws recommended by the executive receive but scant consideration, and are too often allowed to slumber in committee rooms, or are throttled in secret, without power on his part to have them brought on the floor of the house for consideration or debate.

All students of state governments agree that the most valuable reform legislation comes from the governor's mansion instead of from legislative halls; and yet, under the unwise provisions of nearly every state constitution, the governor is merely an executive agent, hampered in his powers of leadership by constitutional limitations and frequently denied the opportunity of making any impress on the policies of the State or leading to fruition any movement for legislative reform.

In every responsible and vigorous government there must be leadership, and if this leadership cannot be entrusted to the chief executive elected by the vote of the entire State and representing all the people, to whom can it be safely confided? If a recalcitrant legislature defeats the efforts of the governor to write into the statutes the measures to which he is pledged by the platform of his party, laws which are earnestly desired by a majority of the people and to the enactment of which the legislature is committed, why should not the governor be allowed under such circumstances to prorogue the legislature and appeal to the people to elect representatives who will carry out their will? This is the policy which prevails in Great Britain where the government responds more quickly and directly to the popular will than in this country, and it is a policy not in antagonism to, but in support of, the fundamental principles of representative government.

In order, no doubt, to promote a harmonious and efficient administration in all its parts, the federal executive is per-

mitted to select the heads of the various departments. This may also be the case in some of the States, and it is, in our opinion, dictated by a wise policy. Heads of departments, out of sympathy, personally and politically, with the administration of which they are part, could hardly fail to obstruct or embarrass. An executive carries a heavy burden of responsibility, and if he has truly at heart the interest of the State and the welfare of the people whom he serves, he stands in need of sincere and intelligent counsel and is entitled to receive the loyal, disinterested and sympathetic collaboration and support of his official family. Under the system that prevails in most of the States, it is only by the merest chance that there is any harmony or unity of action between the governor and the different heads of departments of the state government. The attorney-general, the secretary of state, the state auditor, treasurer, superintendent of education and the other heads of departments are but necessary parts of the executive and administrative machinery of the state government, and the successful administration of any governor is dependent on their loyal coöperation, unity of action and effort, and yet all or most of these important officials may be openly hostile to the governor, opposed to his policies and earnestly seeking to weaken or defeat his administration. Yet, while the governor is held responsible at the bar of public opinion for the success or failure of the state administration, he is generally denied the right to appoint officials whose active and loyal coöperation are so essential to the success of his administration.

Under the system that now prevails in a large majority of the States, the governor has no power to call the heads of the executive departments together in consultation, to control their action or to guide their policy. They may be of different political affiliations, not only out of sympathy with the executive but actually opposed to any policies he may represent or any reforms he may seek to accomplish. The extent of the supervision the governor may exercise in most of the States consists of the mere right to ask for sworn reports. Although the governor is the one to whom the people naturally look for leadership and whom they usually hold responsible for inefficiency in

the administration of the various departments of the state government, yet he is in nearly every State without any power to control or shape their policies or to secure their disinterested counsel or advice, and is at best no more than the first among equals.

It has been truly said that in these departments there is utter lack of coördination. They represent the maximum of decentralization in government. Each department being thus independent of the other, with no executive head to supervise and control or to coördinate their joint policies, it necessarily follows that the executive and administrative business of the State is conducted without harmony, efficiency, economy, or unity of action or system. No great business corporation would long escape bankruptcy if it tolerated such an utter lack of system and business methods.

The laws of very few States vest in the governor the power to remove all subordinate executive officers. Clothed as he is with the constitutional duty of taking care that the laws are faithfully executed, the chief executive, who cannot in his own person discharge this duty all over the State, is of necessity dependent upon subordinate agents. If he is not invested with the right to select these agents, and—in the event that they are incompetent, negligent or rebellious—the right to remove them, then it is manifest that the law has charged him with a grave and important public duty—the doing of the thing for which society was organized and government instituted—and at the same time provided that the discharge of this duty rests not in his own competency, integrity, patriotism, ability and fidelity to his oath, but on the contingency that these instruments through whom he must act possess those qualities to the full measure of official duty and official responsibility.

In order, then, that the purposes for which the executive exists may be effectuated to the highest degree, it is essential that the chief executive have complete control over the official acts of the agents or instruments through whom his duty and his responsibility is discharged. He should have the power of removing any executive official in the employ of the State and of appointing his successor. He should be empowered to remove

for cause in his discretion, or to suspend during judicial investigation, all officers whose duties pertain to the public revenue, such as tax commissioners and tax collectors, tax assessors and the like. Local influences, succession to office and a multitude of obvious considerations may militate against the performance of their duty by these officers who have been, from time immemorial, in all lands, unpopular under the best of circumstances. It is only when stimulated by the knowledge that their official existence is not committed to those whom dereliction of duty might favor, but to their superior officer, who has the power to hold them to a proper official responsibility, that the best results and the best official service may most confidently be expected from them. Self-interest and self-preservation among all other causes most profoundly influence human action among the majority of men.

It is of equal importance that those officers, upon whom primarily rests the duty of enforcing those laws which protect the public health, morals, property and order, should be within the control of the executive, whose duty it is to make these laws effective. Sheriffs, constables and prosecuting officers, when remiss in the conduct of their offices, should be subject to removal by the governor or at least suspension pending an investigation of charges. It is not inconceivable or improbable that direct primaries or other methods of selection may fill the prosecuting attorney's office with an incompetent official, or one who sympathizes with some powerful law-breaker, or who condones the general violation of some unpopular law. In such cases it should be of the utmost importance to at once free the administration of the law from the deplorable effects of his incompetency or inaction. If the proprieties of the removal ought to be the subject of judicial investigation, then his right to restoration ought to depend on its result. Neither the public service nor the officer himself would be irretrievably injured by being restored to office after an improper removal; but the public welfare might be most injuriously affected if the removal could not be made until after the end of perhaps a protracted litigation.

In Alabama and in many of the States the chief executive

has power to remove summarily certain subordinate executive officers. The power should be so extended in every State as to include the right to remove any of them whose inefficiency or dereliction of duty, from whatever cause arising, impedes the orderly, just, expeditious and full administration and enforcement of the law. Whenever the obstacle exists, and of whatever it may consist, it should not be permitted for an instant to balk or hinder the due process of government; it should be at once removed; and the logical depository of this power of removal is in the office of the chief executive. If, as is impliedly declared in the laws of most, if not all the States, it is sound in principle and in policy to place in the hands of the governor the power to remove some lesser executive officer, there is no reason or policy which could be successfully invoked as an argument against granting the same power to remove any official charged with executive duties when such action is demanded by the public good.

The Constitution of Virginia, adopted in 1902, took a step in the right direction by giving the governor power to suspend "from office for misbehavior, incapacity, neglect of official duty, or acts performed without due authority of law, any executive officers at the seat of government, except the Lieutenant Governor." It is unfortunate that the power of removal was restricted to those executive officers residing at the seat of government.

We are accustomed to boast of the efficiency and vigor of the Federal Government, and yet the President has the power to appoint not only the members of his cabinet, but all other subordinate executive agents, the marshals, collectors of revenue, postmasters, district attorneys, and even the judiciary. If the governor of the State possessed similar power and responsibility, he would appoint not only all the heads of the various state departments, but all the sheriffs, tax collectors, and all subordinate executive agents as well as the judiciary of the State. With all the vast power bestowed on the President of the United States and his effective control over legislation, there has never been any abuse of power or fear on the part of

the people of executive usurpation or tyranny. If the President of the United States possessed no more power over the departments of the Federal Government than the governors of the States can exercise over the various departments of the state government, if he was denied the authority to appoint all his subordinate executive agents, with the power of removal, or to have behind him in the enforcement of the law all the power of the government, the Federal Government would not have lasted a single generation. It would have speedily fallen from its own innate weakness.

It has been suggested that the power of the governor to enforce the laws of the State would be very materially increased if he was invested with the authority to employ a well-disciplined and well-trained state constabulary, which could be quickly concentrated and which would be independent of mere local opinion. Such a force should be composed of a small body of men subject to the orders of the governor, with full authority to investigate crime or infractions of the law in any part of the State, with power to make arrests, and with all the power which the sheriff of the particular county might possess. This small body of constabulary would become experts in the detection of crime and the small expense attached would be more than compensated for by the more vigorous prosecution of crime and enforcement of the criminal laws of the State. Such a body of men, selected on account of their qualifications, would be far more valuable than the private detectives upon whom we are now forced to rely for aid in ferreting out crime and bringing the guilty to justice. Lynchings, which are generally the product of excited local feeling, are not apt to be stopped by the sheriffs, who are too often influenced and controlled by local public opinion. Moreover, this body of state constabulary would largely dispense with the necessity of the state militia, which is generally badly disciplined and slow to arrive at the point of trouble. Nearly every State in the Union appropriates more money for the support and maintenance of her state troops than the Dominion of Canada expends for her mounted constabulary, which maintains order and polices a territory larger in area than the whole United States.

In the financial management of nearly every State there is criminal waste, extravagance and lack of business methods. In nearly every other self-governing State in the world, there is a scientific budget to regulate expenditures. A budget is an estimate of the moneys necessary for the coming year, together with the suggested program of taxation sufficient to raise such revenues as the States's expenditures may require. The chief executive, elected by the votes of the entire State, and who is held responsible for the administration of the State's financial affairs, by reason of his ability and experience, should be vested with the power to make the budget or estimate the amount of revenues necessary for the maintenance of the state government. It has been truly suggested that when the budget is laid before the legislature, its items should not be increased by the legislature without the consent of the executive. They should have power to reduce, but not to increase the appropriation. Yet, under the system that prevails in nearly every State of the Union, the governor is not permitted to propose his own budget, but that duty is vested in the heads of the committees of the legislature and in the hands of the members indiscriminately. The result is a situation which is not only chaotic, but which results in lack of harmony, waste and extravagance. After the appropriation committee makes its report, each member of the legislature is free to increase its items, and, as has been truly said, an appropriation bill in the legislature is generally like a huge snowball, "gathering volume as it rolls with no effective way of keeping it down."

The average legislature is extremely liberal in increasing appropriations; but in the enactment of a revenue bill to provide by taxation the funds with which to meet the appropriation, they are usually parsimonious. It must be remembered that, under the laws that exist in nearly every State, a member of the legislature must be a resident of the county or district he represents. Usually, he acts on the presumption that his political reputation and usefulness depends upon the number of bills he can introduce and the amount of appropriations he can secure for his county. The state treasury is, therefore, regarded somewhat as a "grab-bag" to be looted in the interest of his

constituents. The result of this system is that he is a representative not so much of the State as of his county or his district, and the interests of the county and the district and not the State are to be first considered and protected. If there is any conflict, as there always is, in a revenue bill, his vote and influence is always to be counted on for the county instead of the State. It is by the vote of the county or district that he is elected, and it is upon that vote he chiefly relies for future political honor. It is safer to offend the public sentiment of the State than to lose caste with his own constituents, to whom he believes he owes first allegiance; and with so narrow a horizon from which he gets his outlook of state affairs, it is not remarkable that the State's interests are unprotected. To every governor has come the disquieting reflection that the State has few friends in the legislature.

Under the Constitution of Alabama the governor, the attorney-general and state auditor are required to prepare and present to each session of the legislature a complete revenue bill with every item of taxation. Without the power to present or defend this bill on the floor of the legislature or assume proper leadership in securing its passage, the result is usually that after the bill is referred to the appropriate committee, it is promptly pigeonholed and allowed to slumber undisturbed in the files of the committee room.

The result of this chaotic system is generally found in state deficits, with which the governor is compelled to struggle, and an utter lack of business methods from the want of a scientific budget. Therefore, one of the most important reforms necessary to increase the vigor and responsibility of state government is to vest in the governor the power to prepare and introduce a budget, setting forth an estimate of the expenses of the government for the coming year, as well as a bill providing sufficient revenue for the estimated expenses, and to limit the power of the legislature to increase the items of the budget for expenditures without the governor's consent.

With all these increased powers of the executive, it may be claimed that the election of a demagogue or some unworthy and disloyal man might do great harm to the State. This fear is

based on the assumption that the people of a self-governing democracy would be unable to discriminate between some competent and worthy man and some self-serving charlatan—an assumption which cannot be admitted by those who have faith in popular government. Even if the people be lacking in powers of discrimination as is feared, the harm that the demagogue might do would unquestionably prove a salutary and valuable political lesson, and would be but a small price to pay for an efficient and responsible government.

The governor should be elected for a term of not less than four years, and the restriction as to his eligibility to succeed himself should be removed. Provisions making the governor ineligible to succeed himself are based upon the theory that the governor by reason of his great position, his influence and his patronage, could establish so strong a following as to insure his reëlection. Yet the fallacy of this reasoning is manifest when we remember that patronage and the power of appointment is a source of weakness instead of strength. A governor is popular when he enters office—a popularity based on a lively sense of favors to come—but every time he makes an appointment he is more apt to make one indifferent friend and many active enemies, and by the time he has retired from office he has accumulated a very large and disagreeable assortment of hate and open hostility. No sound reason, then, exists for this restriction, so far as the governor is concerned. The constitution should not deny to the people the right of availing themselves for more than one or two terms of the services of the governor, who by reason of his experience would naturally be more efficient during his second or third than his first term. Moreover, such limitation not only lessens the prestige of the office, but has a tendency to overcome that proper and laudable ambition which would inspire every executive by efficient service and devotion to public duty to earn the reward of more than one term.

The executive department, reorganized along the line suggested, would make the governor, in truth as well as in name, the chief executive officer of the State, the responsible leader of his party, clothed with sufficient authority to guarantee an

efficient and vigorous administration. With such an increase in executive power, the governor could properly be held responsible for the character of the administration, and he could not escape this responsibility by attempts to shift the burden on others. He could translate his policies into laws, yet he could do but little without the support of public opinion. It is to public opinion that he would be forced to appeal against a reactionary legislature, or one that in his opinion had betrayed the interests of the people, or had declined to enact legislation to which he and they were pledged by their election. Even with these increased powers, his leadership would largely depend on his capacity to influence and secure the support of public opinion.

In seeking to strengthen the executive power, we only endeavor to correct the mistakes of the past, to secure better, wiser, more efficient and responsible government, and to restore to the chief magistrate those powers which the warning lessons of history have shown to be essential to the proper discharge of his duties. If we are to redeem our state governments from the charge of failure, we must hasten to adopt the policy of concentrating power and responsibility in the chief executive. Our fathers feared the tyranny of men, and, influenced by this fear, they reduced the term of the executive to a period too short to carry through any constructive policy; they denied him the right to select his chiefs of departments, and made their selection dependent on the contingencies of a popular election; they gave him power to suggest legislation, but prevented him by unwise limitations and artificial checks from assuming proper leadership with the legislature, with which he must work and on whose action the success of his administration largely depended; they charged him with the duty of seeing to it that the laws were properly enforced, and deprived him at the same time of the right to select the executive agents through whom he must act; they made him responsible for all public expenditures, and yet vested in the legislature—whose members represent counties and districts—power to make a budget, thus subordinating the interests of the State to the selfish demands of localities; they surrounded and hedged the

governor with checks and limitations, and denied him the power to do much good for fear he might do much harm. The result was, as Hamilton prophesied, a feeble executive implied a feeble government, and to this policy can be traced the partial failure of the state governments against which modern critics of government so loudly inveigh.

As *The Outlook* recently declared, "to strengthen the executive, to enlarge his powers, and so increase his responsibility, to free him from checks and limitations is not to invite despotism, but to erect a barrier against despotism." The danger to the State is not from a strong executive but from the secret domination of special selfish interests, the exploitation of corrupt politics, invisible government and that feebleness which a weak executive creates. In increasing the powers and exalting the importance of the chief executive's office we will not weaken but restore popular rule.

In enlarging and strengthening the power of the governor we take as our high model the Federal Constitution, which has secured to the Republic the greatest measure of freedom and prosperity any nation has yet enjoyed. With the increase of power and responsibility, there would certainly be greater opportunity for service, for the display of administrative and executive ability, than ever before existed in the history of the chief executive's office. With the governor armed with adequate power and responsibility, the full force of the law will be available, and the people would be rendered secure in those essentials of human rights which government exists to foster and protect.

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